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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

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8 REBECCA MOLE-DONCHEZ,

9 Plaintiff,

10 v.

11 JANET NAPOLITANO, an individual, DOE
12 INDIVIDUALS 1 through 300, and ROE
13 BUSINESS OR GOVERNMENTAL
14 ENTITIES 1 through 300, Inclusive,

Defendants.

Case No. 2:13-cv-0847-APG-NJK

ORDER

15 On May 30, 2013, Magistrate Judge Koppe ordered Plaintiff to file a Certificate of
16 Interested Parties in compliance with Local Rule 7.1-1 on or before June 6, 2013. [Dkt.
17 #4.] Judge Koppe warned that the failure to comply "may result in the issuance of an
18 order to show cause why sanctions should not be imposed." Plaintiff and her counsel
19 failed to file her Certificate of Interested Parties and did not request an extension of time
20 in which to do so.

21 On June 10, 2013, Judge Koppe entered an Order to Show Cause directing
22 Plaintiff to show cause, no later than June 17, 2103, why sanctions should not be
23 imposed for Plaintiff's failure to comply with May 30 Order. [Dkt. #5.] Plaintiff was
24 warned that "[f]ailing to comply with the Local Rules of Practice, the Federal Rules of
25 Civil Procedure, and the Court's orders may result in sanctions up to and including case-
26 dispositive sanctions." *Id.* at 1. Notwithstanding the warnings regarding sanctions,
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1 Plaintiff and her counsel failed to respond to the Order to Show Cause or file a
2 Certificate of Interested Parties, and did not request an extension of time.

3 On June 24, 2013, Judge Koppe – showing notable restraint – entered a second
4 Order to Show Cause based on the failure of Plaintiff and her counsel to comply with the
5 previous orders. [Dkt. #6.] Plaintiff and her counsel were given until July 1, 2013 to show
6 cause why Plaintiff's lawsuit should not be dismissed and why Plaintiff and/or her
7 counsel should not be sanctioned a Court fine in an amount up to \$5,000 pursuant to
8 Local Rule IA 4-1, Federal Rule of Civil Procedure 16(f), and/or Federal Rule of Civil
9 Procedure 41(b). *Id.* at 1. Judge Koppe again reiterated that "[f]ailing to comply with the
10 Local Rules of Practice, the Federal Rules of Civil Procedure, and the Court's orders
11 may result in sanctions up to and including case dispositive sanctions." *Id.* at 1-2.
12 Nonetheless, Plaintiff and her counsel failed to file a response to the second Order to
13 Show Cause and did not request an extension of time to do so.

14 On July 2, 2013, Judge Koppe entered her Report of Findings and
15 Recommendation [Dkt. #7], recommending that Plaintiff's Complaint be dismissed, and
16 that Plaintiff's counsel personally be fined \$1,000. Plaintiff's counsel paid the fine on
17 July 12, 2013 [Dkt. #8], and on July 19, 2013 he filed Plaintiff's Objections to Judge
18 Koppe's Report of Findings and Recommendation. [Dkt. #9.] Plaintiff's counsel admits
19 that Judge Koppe's findings are correct, but requests that the Court take into
20 consideration his health issue (i.e., he was undergoing in-patient treatment for chemical
21 dependency between June 12 and 20, 2013, with follow up intensive outpatient
22 treatment). *Id.* at Exh. A. This partially explains, but does not excuse, counsel's failure to
23 comply with Judge Koppe's orders. Nor does Plaintiff's counsel explain why his health
24 issue prevented him from responding to those orders after his June 20 release from the
25 treatment program. Moreover, Plaintiff still has not filed her Certificate of Interested
26 Persons. Nevertheless, in order to avoid punishing Plaintiff for the failings of her
27 counsel, the Court will not dismiss Plaintiff's Complaint. Plaintiff will be given one final
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1 chance to comply with the rules and orders of this court. Plaintiff and her counsel are
2 warned that future violations of rules and orders likely will result in severe sanctions,
3 including dismissal of the Complaint. Based on the foregoing,

4 **IT IS HEREBY ORDERED** that the Report of Findings and Recommendation is
5 accepted in part. The Court affirms the imposition of the fine against Mr. Trenchak,
6 which has been paid. The Court rejects the recommendation of dismissal of Plaintiff's
7 Complaint.

8 **IT IS FURTHER ORDERED** that Plaintiff shall file her Certificate of Interested
9 Persons within seven days of this Order. The failure to do so will result in dismissal of
10 Plaintiff's Complaint.

11 Dated: October 8, 2013.



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13 ANDREW P. GORDON
14 UNITED STATES DISTRICT JUDGE
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